

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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PETER A. CRAWFORD,

Plaintiff,

v.

Civil Action No.  
05-cv-10078 (DPW)

WOLVERINE, PROCTOR & SCHWARTZ, INC.,  
STEVEN F. CHILINSKI, and  
DEEPAK S. KULKARNI,

**Oral Argument Requested**

Defendants.

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**DEFENDANTS' SECOND MOTION FOR A PROTECTIVE ORDER  
CONCERNING EVIDENCE OF COMPENSATION AND OTHER PAYMENTS  
MADE TO DEEPAK KULKARNI**

Pursuant to F.R.C.P. 26(b) and (c), defendants Wolverine, Proctor & Schwartz, Inc. "WPS"), Steven F. Chilinski and Deepak S. Kulkarni (collectively, the "defendants") hereby move that this Honorable Court issue a protective order to prohibit plaintiff *pro se* Peter Crawford from seeking disclosure from any party or non-party of any documents, materials or other information relating to:

1. any payment of compensation or fringe benefits to defendant Deepak Kulkarni by WPS prior to January 14, 2002, with the exception of a \$135,000 payment (alleged in plaintiff's complaint at ¶¶ 22 and Count VII), which plaintiff contends relates to evidence of Kulkarni's improper motivation for tortiously interfering with plaintiff's contract;
2. any payment of compensation or fringe benefits to Deepak Kulkarni by WPS after January 14, 2002; and

3. any evidence relating to Kulkarni's personal and private financial affairs, which has no bearing on this proceeding.

As grounds for this motion, defendants contend that: plaintiff seeks information that is irrelevant to the claims or defenses asserted in this action; plaintiff seeks inadmissible "propensity" evidence; the pursuit of payment evidence is unnecessarily annoying, harassing and intrusive to Kulkarni; and if this court permits inquiry into the payment evidence, the effect would be to multiply this proceeding considerably by creating numerous mini-trials concerning the propriety of each payment. In support of this motion, defendants hereby submit Defendants' Memorandum of Law In Support of their Second Motion for a Protective Order and the attached Affidavit of Mark M. Whitney, which together set forth the grounds for this motion in detail.

**WHEREFORE** the defendants respectfully request that this Court issue a protective order which prohibits plaintiff from seeking the disclosure of any documents, materials or other information from any party or non-party identified in paragraphs 1 – 3 above.

**REQUEST FOR ORAL ARGUMENTS**

Defendants hereby request, pursuant to Local Rule 7.1(d), that oral argument be permitted on this motion.

**CERTIFICATE OF CONFERRAL**

Counsel for the defendants hereby certify that they have complied with the provisions of Local Rules 7.1(a)(2), 26.2(c) and 37.1, as further detailed in the accompanying memorandum of law. Defense counsel has made a reasonable and good faith effort to reach an agreement with opposing counsel on the matters set forth in this

motion. They have conferred in a variety of written and oral communications, which began with objections made at three depositions on November 3, 2005 and November 14-15, 2005, followed up by an exchange of detailed emails stating each parties' position on November 10 & 13, 2005, and additional conversations by telephone and in person prior to the making of this motion.

Dated: November 27, 2005

Respectfully submitted,

WOLVERINE, PROCTOR &  
SCHWARTZ, INC.,  
STEVEN F. CHILINSKI, and  
DEEPAK S. KULKARNI,

By their attorneys,

/s/ Mark M. Whitney  
Mark M. Whitney (BBO #637054)  
Jeffrey D. Kuhn (BBO #662326)  
MORGAN, BROWN & JOY, LLP  
200 State Street  
Boston, Massachusetts 02109  
(617) 523-6666

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 27, 2005, I filed the foregoing document with the Clerk of the Court by using the ECF system and served copies of the same upon Peter A. Crawford via e-mail. I further certify that I mailed the foregoing document and the notice of electronic filing to the pro se plaintiff, Peter A. Crawford, 23 Newcastle Drive, #11, Nashua, NH 03060, by U.S. mail, on the next business day, November 28, 2005.

/s/ Mark M. Whitney  
Mark M. Whitney, Esq.